

EXHIBIT 23

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RIMINI STREET, INC. and SETH RAVIN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANT RIMINI STREET INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSIONS TO
DEFENDANT RIMINI STREET, INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Rimini Street, Inc. ("Rimini Street"), by and through its undersigned counsel, responds to Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp.'s ("Oracle") First Set of Requests for Admissions ("Requests").

GENERAL OBJECTIONS

The following General Objections shall be deemed incorporated into the objections and Responses to each and every specific Request for Admission. To the extent that specific General Objections are cited in a specific Response, those specific objections are provided because they are believed to be particularly applicable to the specific Request. If Rimini Street specifically refers to General Objections in a Response, Rimini Street does not intend to waive any other General Objection applicable to information falling within the scope of the Request.

1. Rimini Street objects to Plaintiff's Requests to the extent that Plaintiff seeks to require Rimini Street to provide any information beyond what is available to Rimini Street at present from a reasonable search of its own files and a reasonable inquiry of its present employees likely to have the information necessary to admit or deny these requests.

2. Rimini Street objects to Plaintiff's Requests to the extent that Plaintiff seeks to impose on Rimini Street any other obligation not imposed by the Federal Rules of Civil Procedure or the Local Rules for the District of Nevada.

3. Rimini Street objects to the disclosure of information protected by the attorney-client privilege and/or work-product immunity.

4. Rimini Street objects to Plaintiff's Requests to the extent they call upon Rimini Street to admit or deny information that is irrelevant to the subject matter of this action. Rimini Street does not concede that any Request to which it responds is relevant to the subject matter of this litigation.

5. Rimini Street objects to these Requests to the extent they contravene the purposes underlying Federal Rule of Civil Procedure 36 to narrow the issues in this case and facilitate proof with respect to issues that can be eliminated. By way of example and without limitation, Rimini Street objects to these Requests to the extent they seek admissions related to highly contested issues, rather than admissions related to non-contested issues that could narrow the issues in this case. Rimini Street also objects to these Requests to the extent they seek admissions related to unidentified materials, which would not facilitate proof relating to issues that can be eliminated from this case.

1 or physical media creates at least one complete copy of any Environment present on the restored
2 virtual machine.

3 **RESPONSE:**

4 *See* General Objections. Rimini Street further objects to the phrases “restoring” and
5 “backed-up” as vague and ambiguous. Subject to those objections as well as Rimini’s defenses of
6 license, estoppel and waiver and Oracle’s course of conduct, Rimini Street responds: Denied-in-part
7 and Admitted-in-part. Rimini admits that completely copying a virtual machine from one physical
8 location or device to a second physical location or device creates at least one complete copy of any
9 Environment present on the virtual machine.

10 **REQUEST NO. 12:**

11 Admit that restoring a backed-up virtual machine as a virtual machine with a different
12 name creates at least one complete copy of any Environment present on the restored virtual machine.

13 **RESPONSE:**

14 *See* General Objections. Rimini Street further objects to the phrases “restoring” and
15 “backed-up” as vague and ambiguous. Subject to those objections as well as Rimini’s defenses of
16 license, estoppel and waiver and Oracle’s course of conduct, Rimini Street responds: Denied.

17 **REQUEST NO. 13:**

18 Admit that creating a complete copy of Installation Media creates at least one copy of
19 any and all Code Objects present on that Installation Media.

20 **RESPONSE:**

21 *See* General Objections. Rimini Street further objects to this request as improper
22 under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission
23 on the legal significance of the term “Code Objects.” Subject to those objections as well as
24 Rimini’s defenses of license, estoppel and waiver and Oracle’s course of conduct, Rimini Street
25 responds: Admitted.

26 **REQUEST NO. 14:**

27 Admit that copying Installation Media located on one computer, network location,
28 virtual machine, storage device or physical media onto a second computer, network location, virtual

1 machine, storage device or physical media creates at least one complete copy of that Installation
2 Media.

3 **RESPONSE:**

4 See General Objections. Rimini Street further objects to the phrase “copying
5 Installation Media” as vague and ambiguous. Subject to those objections as well as Rimini’s
6 defenses of license, estoppel and waiver and Oracle’s course of conduct, Rimini Street responds:
7 Denied-in-part and Admitted-in-part. Rimini Street admits that completely copying Installation
8 Media from one physical location or device to a second physical location or device creates at least
9 one complete copy of that Installation Media.

10 **REQUEST NO. 15:**

11 Admit that Installation Media constitutes a complete copy of the Oracle Enterprise
12 Software or Oracle Database Software that it can be used to install.

13 **RESPONSE:**

14 See General Objections. Subject to those objections as well as Rimini’s defenses of
15 license, estoppel and waiver and Oracle’s course of conduct, Rimini Street responds: Denied-in-part
16 and Admitted-in-part. Rimini admits that Installation Media may be used to create a copy of the
17 Oracle Enterprise Software or Oracle Database Software that is present on that Installation Media.
18 Rimini denies that Installation Media necessarily constitutes a complete copy of the Oracle
19 Enterprise Software or Oracle Database Software that it can be used to install.

20 **REQUEST NO. 16:**

21 Admit that loading an Environment for use creates at least one RAM Copy that is a
22 Complete or Partial Copy of that Environment.

23 **RESPONSE:**

24 See General Objections. Rimini Street further objects to this request as improper
25 under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission
26 on the legal significance of the term “RAM Copy.” Subject to those objections as well as Rimini’s
27 defenses of license, estoppel and waiver and Oracle’s course of conduct, Denied-in-part and
28 Admitted-in-part. Rimini admits that a portion of an Environment is loaded into a computer’s RAM

1 when that Environment is loaded for use.

2 **REQUEST NO. 17:**

3 Admit that licenses granted by Oracle to Relevant Customers for Oracle Enterprise
4 Software do not permit Relevant Customers to install licensed Software and Support Materials on
5 computers neither owned nor leased by the customer.

6 **RESPONSE:**

7 See General Objections. Rimini Street further objects to this request as improper
8 under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission
9 on the interpretation of license agreements at issue. Subject to those objections as well as Rimini's
10 defenses of license, estoppel and waiver and Oracle's course of conduct, Rimini Street responds:
11 Denied.

12
13 **REQUEST NO. 18:**

14 Admit that licenses granted by Oracle to Relevant Customers for Oracle Enterprise
15 Software do not permit Software and Support Materials licensed by one Relevant Customer to be
16 used or copied for the economic benefit of a second Relevant Customer

17 **RESPONSE:**

18 See General Objections. Rimini Street further objects to this request as improper
19 under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission
20 on the interpretation of license agreements at issue. Subject to those objections as well as Rimini's
21 defenses of license, estoppel and waiver and Oracle's course of conduct, Rimini Street responds:
22 Denied.

23
24 DATED: September 28, 2011 SHOOK, HARDY & BACON

25
26 By: /s/ Robert H. Reckers
27 Robert H. Reckers, Esq.
28 Attorney for Defendants
Rimini Street, Inc. and Seth Ravin

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Defendant's Responses and Objections to Plaintiffs' First Set of Requests for Admissions was served on the 28th day of September 2011, via email, as indicated below.

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